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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,061	03/24/2005	Congyu Yan	US 051914-1 (20050359.ORI)	2573
23595	7590	08/11/2006	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			LEE, PING	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/529,061

Applicant(s)

YAN, CONGYU

Examiner

Ping Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (US006380978B1) in view of Thompson et al (US 5,740,254).

Regarding claim 1, Adams discloses, in Fig. 3, a 5.1 sound channel digital surround earphone, comprising an earphone body (although not explicitly shown, it is inherently connected to corded headphone output) that is connected through a conductive line (cord is inherently included); wherein an power amplifier including a power supply input unit (38), voltage stabilization a filter circuit (40), an amplification circuit (32) and a 5.1 sound channel signal input port (connected to DVD media), an external power supply (battery) providing electric power through the power supply input unit (38), the voltage stabilization filter circuit (40) and the amplification circuit (32) to an output end of the voltage stabilization filter circuit for delivering electric power, the amplification circuit (32) having an input end connecting to the 5.1 sound channel signal input port (connected to DVD media). Adams fails to show a line controller that is connected to the power amplifier.

Thompson et al (hereafter Thompson) teach how to use a line controller (18) to allow the listener to adjust the sound between the left and right ears in order to adapt to

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the hearing capability of the listener. The line controller is located between the headphones and the power amplifier. Thus, it would have been obvious to one of ordinary skill in the art to modify Adams in view of Thompson by having a line controller in order to allow the user to adjust the balance between the left and right ears according to his/her hearing requirement.

Regarding claim 2, Adams shows 5.1 sound channel signal output port (connected to IR remote control link and cordless headphone output).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Thompson as applied to claim 1 above, and further in view of Hoshino et al (US005787182A).

Regarding claim 4, Adams shows the integrated circuit (col. 7, line 14), but fails to show an audio bypass circuit and a coupling capacitor. Adams teaches a general amplifier circuit without providing specific detail. Hoshino et al (hereafter Hoshino) teach how an IC being connected to an audio bypass circuit (Ca as shown in Fig. 3) and a coupling capacitor (Co) to avoid the reduction of gain the low frequency range. Thus, it would have been obvious to one of ordinary skill in the art to further modify Adams and Thompson in view of Hoshino by having the audio bypass circuit and a coupling capacitor in order to maintain the gain at low frequency range.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Thompson as applied to claim 1 above, and further in view of Huang (US006394852B1).

Regarding claim 4, Adams fails to show 7-pin socket. Adams teaches a general headphone connected to the power amplifier without providing specific detail on the headphone. Huang teaches a headphone with 7-pin plug mating with a 7-pin socket of the power amplifier. Thus, it would have been obvious to further modify Adams and Thompson by utilizing the headphone and the 7-pin socket at the power amplifier as taught in Huang in order to supply multiple channels to headphone.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Thompson as applied to claim 1 above, and further in view of Scribner et al (US005555466A).

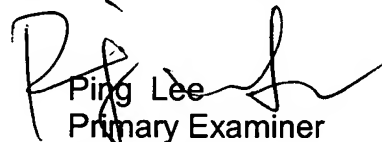
Regarding claim 5, Adams fails to show a switch for switching CD and DVD. Scribner et al (hereafter Scribner) teach an audio and video control device with a switch located close to the user allowing the user to select different audio source medium. Thus, it would have been obvious to one of ordinary skill in the art to further modify Adams and Thompson in view of Scribner by having a switch at the line controller in order to allow the user of the headphone to change the program source.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ping Lee
Primary Examiner
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pwl